

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
MISSOULA DIVISION

FILED  
OCT 14 2016  
Clerk, U.S. District Court  
District of Montana  
Missoula

JAMES P. GRAGERT,

Plaintiff,

vs.

CAROLYN W. COLVIN, Acting  
Commissioner, Social Security  
Administration,

Defendant.

CV 15-118-M-DLC-JCL

ORDER

United States Magistrate Judge John T. Johnston entered findings and recommendations in this case on August 31, 2016, recommending that the Social Security Commissioner's decision be affirmed. Gragert did not object to the findings and recommendations, and so has waived the right to de novo review thereof. 28 U.S.C. § 636(b)(1)(C). This Court reviews for clear error those findings and recommendations to which no party objects. *See McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981); *Thomas v. Arn*, 474 U.S. 140, 149 (1985). Clear error exists if the Court is left with a "definite and firm conviction that a mistake has been committed." *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000) (citations omitted).

Having reviewed the findings and recommendations, the Court finds no clear error in Judge Johnston's conclusion that the administrative law judge's ("ALJ") decision is based on substantial evidence and is free of prejudicial legal error.

Accordingly, IT IS ORDERED that Judge Johnston's Findings and Recommendations (Doc. 20) are ADOPTED IN FULL. This case is DISMISSED. The Clerk of Court shall CLOSE this matter and enter judgment pursuant to Rule 58 of the Federal Rules of Civil Procedure.

DATED this 14<sup>th</sup> day of October, 2016.



Dana L. Christensen, Chief Judge  
United States District Court